

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Lockheed Martin IMS)	
)	ICC Docket No. 98-0847
<i>Petition for Approval of NPA Relief</i>)	
<i>Plans for the 312, 630, 708 & 773 NPAs</i>)	
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**REPLY BRIEF
OF THE STAFF OF THE ILLINOIS COMMERCE COMMISSION**

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NOW COMES the Staff of the Illinois Commerce Commission (“Staff”), by and through its counsel states as follows:

I. INTRODUCTION

Initial briefs were filed in this proceeding by: Ameritech Illinois; MCI WorldCom, Inc. (“MCI WorldCom”); AT&T Communications of Illinois, Inc. (“AT&T”); Nextel Communications, Inc. (“Nextel”); the Cook County State’s Attorney’s Office (“CCSA”); Focal Communications Corporation (“Focal”); NEXTLINK Illinois, Inc. (“NEXTLINK”); SprintCom, Inc. d/b/a Sprint PCS (“Sprint PCS”); Allegiance Telecom of Illinois, Inc. (“Allegiance”); the Citizens Utility Board (“CUB”); the City of Chicago (“Chicago”) and Staff. Staff has addressed most of the points raised in the initial briefs of the parties in its own initial brief and so, in the interest of brevity, will not reiterate those points again. While Staff will comment on several specific points raised by certain parties, the absence of a response in this reply brief should not be construed to mean that Staff concurs with those positions; rather, it means that Staff has adequately described its position in its initial brief or that Staff believes no further comment is necessary.

II. SUMMARY OF STAFF’S POSITION

Staff continues to believe that number pooling and its associated conservation measures, should be adopted in the 312, 773, 708 and 630 NPAs consistent with the findings and ordering paragraphs contained in the Commission’s Docket No. 98-0497 Order entered on December 16, 1998. Staff avers that the Commission clearly has the legal authority to expand number pooling to the other Chicago NPAs pursuant to the

most recent FCC Order on area code relief and number conservation plans (hereinafter “FCC Pennsylvania Order” or “FCC Order”)¹ Staff also believes that there are no Service Control Point (“SCP”) capacity issues which would necessitate delaying number pooling. Finally, contentions raised by certain parties (ie. MCI Worldcom) that number pooling is inappropriate because it is not competitively neutral have already been addressed by this Commission and should be considered non-issues.

III. ARGUMENT

1. Legal Authority

The 1996 Telecommunications Act (hereinafter “1996 TA”) grants the FCC plenary jurisdiction over numbering issues that pertain to the United States. Specifically, section 251(e)(1) provides as follows:

“The Commission shall create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis. The **Commission shall have exclusive jurisdiction over those portions of the North American numbering plan that pertain to the United States.** Nothing in this paragraph shall preclude the Commission from delegating the State commissions or other entities all or any portion of such jurisdiction.” 47 U.S.C. § 251(e)(1).

FCC regulations generally require state commissions to act consistently with federal numbering guidelines which are designed to ensure the fair and timely availability of numbering resources to all telecommunications carriers. 47 C.F.R. § 52.9(b). The

¹ Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission regarding Area Codes 412, 610, 215 and 717, NDS File No. L-97-42, *Memorandum Opinion and Order & Order on Reconsideration*, 13 FCC Rcd 19009 (1998)(“FCC Numbering Order”), recon. pending.

FCC delegated the authority to implement new area codes to state commissions while retaining broad authority over numbering administration issues. The FCC, however, authorized state commissions (based on their unique familiarity with local circumstances) to perform functions associated with initiating and planning area code relief as well as adopting final area code relief plans. *Local Competition Second Report & Order* (CC Docket No. 96-98, 1996).

In its initial brief, Sprint PCS argues that Illinois does not have the authority to order the expansion of number pooling outside the 847 NPA. Specifically, Sprint PCS contends that the FCC's Order only gave Illinois "limited authority to continue its pooling initiative." According to Sprint PCS, it is clear that the authority conferred was confined to the 847 pooling trial only. (Sprint PCS Initial Brief at 3 - 7). Nextlink also argues that the Illinois Commerce Commission should petition the FCC for additional authority to order the expansion of number pooling outside NPA 847. (Nextlink Initial Brief at 4).

Sprint PCS and Nextlink both point to the FCC Order released on September 28, 1998, for support of their positions. Both arguments, however, lack merit. A careful analysis of the FCC's Pennsylvania Order clearly indicates that the FCC delegated specific authority to the Illinois Commerce Commission to continue its number pooling initiative.

The FCC determined that despite the fact that Illinois' number pooling trial falls outside federal guidelines, Illinois had taken adequate steps to ensure that the trial would not impede the federal government's NPA relief guidelines and efforts to initiate

national number pooling standards. The FCC also noted that Illinois had taken several precautionary steps to conduct its pooling trial in a nondiscriminatory manner.

In fact, the FCC recognized Illinois as being in the “forefront of developing number pooling as a number conservation measure” & further emphasized it did not wish to discourage Illinois from continuing its progressive work in this area.

The only FCC indication that may remotely be construed as a “limitation” to the Commission’s authority was its precaution that any national pooling rules or guidelines it mandates in the future will supersede whatever guidelines Illinois currently has in effect for carriers operating within the state.

Finally, Staff notes that the Commission in its December 16, 1998, Order entered in Docket 98-0497 reaffirmed its directive to expand number pooling to other NPAs with the resolution of the SCP capacity issue. Staff avers that the Commission’s directives must be followed.

2. Service Control Point Capacity Issue(s)

Sprint PCS, a wireless carrier which is exempt from participation in pooling, has stated it is still greatly affected by the expansion of number pooling, and alleged that it “does not have adequate capacity in its existing SCPs to support the expansion of number pooling to the Chicago-area NAPs, and it would cost millions of dollars to obtain adequate capacity.” (Sprint’s Initial Brief at 2). Sprint PCS’ problem appears to be the result of the method Sprint currently uses for storing numbers. On page 4 of Sprint’s witness, Hoke R. Knox’s direct testimony, he describes the method Sprint uses

to store numbers. Sprint currently stores numbers one number at a time, instead of storing the numbers in blocks of 1000 number. To illustrate the effect of Sprint's current method, on Page 4 of Mr. Knox's testimony it is shown 31,680,000 records can be stored using Sprints current method. If Sprint chose to store numbers in 1000 blocks only 31,680 records would be stored in it's SCP, resulting in increased capacity. The technology for storing 1000 blocks is available in Release 1.4 software. However, Sprint PCS has stated that it believes that since Release 1.4 will be obsolete once national standards are implemented, "it is not cost effective for Sprint Corp. to invest significant funds into development and implementation of EDR software for Release 1.4." (Sprint's Initial Brief at 9). However, none of the witness in the proceeding were able to provide a date certain when the national standards would become effective.

Therefore, since no other carrier has stated it has any SPC capacity problems, it is Staff's opinion that Illinois cannot wait for national standards because of the current exhaust dates of the 4 Q 99 for 630 NPA and the 1 Q 99 for 773 and 312 NPAs, and the Y2K Stabilization Period between October 1, 1999 and March 31, 2000. Furthermore, Staff agrees with the pooling scheduled as suggested by CUB and the Cook County State's Attorney: NPA 630 By July 1, 1999; NPA 312 by August 16, 1999; 773 By October 1, 1999; and NPA 708 immediately following the Y2K stabilization period.

3. Miscellaneous Considerations

Finally, MCI WorldCom argues that number pooling, as it is currently structured, is neither efficient (from a numbering standpoint) or competitively neutral. (MCI WorldCom Initial Brief at 7). MCI WorldCom, therefore, reasons that the Commission should not expand the 847 number pooling trial to the 312, 630, 708, and 773 NPAs at this time. Staff would point out that MCI WorldCom's arguments are not issues of first impression before the Commission. The Commission has heard many of these same arguments before and has already approved the manner in which number pooling is to be implemented. As such, MCI WorldCom's arguments regarding number pooling not being competitively neutral should be dismissed.

IV. CONCLUSION

The testimony and briefs submitted to date have clearly demonstrated that number pooling and its associated conservation measures, should be adopted in the 312, 773, 708 and 630 NPAs consistent with the findings and ordering paragraphs contained in the Commission's Docket No. 98-0497 Order. The Commission clearly has the legal authority pursuant to FCC's Pennsylvania Order.

Respectfully submitted,

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Dated this 6th day of May, 1999.